IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37013 of 2007(F)

PETITIONERS:

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1. C.M.KURIAKOSE, CHALAKUZHY HOUSE,
   KANAKAPALAM, ERUMELY, KOTTAYAM DIST.

2. THRESIAMMA MATHEW,
   KAVALAMPUTHUPARAMPIL HOUSE,
   KANAKAPALAM.P.O., ERUMELY, KOTTAYAM DIST.

3. KURIAKOSE ANTONY, VALANOLICKAL HOUSE,
   KANAKAPALAM.P.O., ERUMELY,
   KOTTAYAM DIST.

4. DR. PRASAD VARKEY, NADUVATHRA,
   KANAKAPALAM, ERUMELY,
   KOTTAYAM DISTRICT.

5. GEORGE BABY, CHENKOTTAIL HOUSE,
   KANAKAPALAM.P.O.,
   KOTTAYAM DISTRICT.

6. GEORGE VARGHESE, NADUVATHRA,
   KANAKAPALAM.P.O.,
   KOTTAYAM DISTRICT.

7. T.T.THOMAS, THAKADIOYEL, KANAKAPALAM,
   ERUMELY, KOTTAYAM DISTRICT.

8. GEORGE MATHEW, RICHMOUNT,
   KANAKAPALAM, ERUMELI,
   KOTTAYAM DISTRICT.

9. CHERIYAN PUNNOSE, NADUVATHRA,
   KANAKAPALAM, ERUMELY,
   KOTTAYAM DISTRICT.

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENTS:

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1. THE DEPUTY CHIEF ENGINEER,
   TRANSMISSION CIRCLE, KSEB,
   POOVANTHURUTH,
   KOTTAYAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KSEB SUB STATION SUB DIVISION,
KANAKAPPALAM, ERUMELY.

3. THE ASSISTANT ENGINEER, KSEB,
66 KV SUB STATION, MUNDAKAYAM,
KOTTAYAM DISTRICT.

4. THE DISTRICT COLLECTOR,
KOTTAYAM.

R1 TO R3 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 37013 OF 2007

Dated this the 19th day of December, 2007

JUDGMENT

Since petitioner's objection can be considered by the fourth respondent, W.P. is disposed of directing the KSEB to give a specific proposal with names and addresses of persons over whose property the proposed line passes so that fourth respondent can issue notice to such persons, hear them and approve the line. There will be direction to the KSEB to identify the route which causes least inconvenience to the least number of land owners and give proposal to the District Collector taking into account the cost aspect also, and District Collector will decide the matter as provided under Section 16(1) of the Indian Telegraph Act read with Section 164 of the new Electricity Act. There will be direction to the KSEB to instal post and draw line only after line is approved by the District Collector. Fourth respondent is directed to take a decision without any delay.

W.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge